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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING TELECONFERENCE LOCATIONS

MAY 15, 2012

Board for Professional Engineers, Land
Surveyors, and Geologists
2535 Capitol Oaks Dr., Ste. 300
Sacramento, CA 95833


Carpinteria Sanitary District
Conference Room
5300 Sixth St.
Carpinteria, CA 93013

Coldwell Banker
2065 Huntington Drive
San Marino, CA 91108

Josephson-Werdowatz & Associates
6370 Lusk Blvd., Ste. F-200
San Diego, CA 92121

BOARD MEMBERS

Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno;
Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; and
Erik Zinn.

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I. **ROLL CALL TO ESTABLISH A QUORUM**

II. **PUBLIC COMMENT**

NOTE: The Board cannot take action on items not on the agenda. The Board will allow for Public Comment on both days, as well as during the discussion of each item on the agenda.

III.

CLOSED SESSION

Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

IV. **OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION**

V. **TEMPORARY AUTHORIZATION APPLICATIONS**

Request for Temporary Authorization

Stephen Palmer

Mr. Palmer has requested a temporary authorization to practice professional geology in accordance with Business and Professions Code Section 7848 of the Geologist and Geophysicist Act. A fee of \$80.00 has been submitted as required by Business and Professions Code Section 7887(d).

Mr. Palmer is licensed as a Professional Geologist in the state of Oregon and has certification as an Engineering Geologist; his license is current with no disciplinary actions.

Mr. Palmer is requesting a Temporary Authorization for a short term project in southern California scheduled to begin in mid-June and end by September 1, 2012. Mr. Palmer is requesting the maximum time allow for a temporary authorization of 120 days.

Project Name: Proposed Sunset Millennium Project

Location: 8500-8544 Sunset Boulevard at 1235 La Cienega Boulevard, and 8474-8490 Sunset Boulevard at 1234 La Cienega Boulevard in West Hollywood, Los Angeles County.

Client is the CIM group located in Los Angeles (a real estate development firm)

Scope of Work: Fault investigation study review; subsurface investigation; slope stability evaluation

Mr. Palmer will attend the May 15, 2012 Board Meeting. The Board should be prepared to request that the applicant demonstrate knowledge of the application of fault and subsurface investigation, and slope stability evaluation. In addition, the applicant should specify what aspects of this project will be completed under the temporary authorization.

VI. **EXECUTIVE OFFICER'S REPORT**

- A. Legislation
 - 1. Discussion of Legislation for 2011-2012
 - a. Pending Legislation: AB 1588, AB 1750, AB 1904, AB 2570, SB 975, SB 1061, SB 1576
- B. Regulation Update
 - 1. Regulations relating to Geologists and Geophysicists section 3005
 - 2. Regulations relating to Engineers and Land Surveyors section 407 and 428
- C. Personnel

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2012 Legislative Session

- AB 1588** Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable; of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.
STATUS: Amended 3/5/12. Passed ASM B,P&CP Committee on 3/13/12. In ASM Appropriations - on suspense file.
BOARD POSITION: Support
- AB 1750** Solorio. Rainwater Capture Act of 2012. This bill would authorize residential, commercial, and governmental land owners to install, maintain, and operate rain barrel systems and rainwater capture systems, as defined provided that the systems comply with specified requirements.
STATUS: Amended 4/30/12. Passed out of ASM Water, Parks and Wildlife Committee 4/24/12. To be heard on ASM Floor 5/7/12.
RECOMMENDED POSITION: Watch
BOARD POSITION:
- AB 1904** Block. Professions and vocations: military spouses: temporary licenses. This bill would authorize a board within DCA to issue a temporary license to an applicant who, among other requirements, holds an equivalent license in another jurisdiction, as specified, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California.
STATUS: Introduced 2/22/12. Passed ASM B,P&CP Committee. In ASM Appropriations - on suspense file.
RECOMMENDED POSITION: Watch
BOARD POSITION:
- AB 2570** Hill. Licensees: settlement agreements. This bill would prohibit a licensee who is regulated by DCA, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program.
STATUS: Introduced 2/24/12. Passed out of ASM B,P& CP Committee 4/24/12.
RECOMMENDED POSITION: Watch
BOARD POSITION:
- SB 975** Wright. Professions and vocations: regulatory authority. This bill would provide that all boards, bureaus and commissions of Consumer Affairs have sole authority to license and regulate the practice of the professions they regulate. No licensing

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requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board, bureau, or commission.

STATUS: Introduced 1/19/12. Amended 3/27/12. To be heard in SEN Committee on B,P&ED 5/7/12.

BOARD POSITION: Watch

SB 1061

Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.

STATUS: Introduced 2/13/12. Set for 1st hearing 4/23/12 in SEN Committee on B,P&ED. Hearing canceled at request of author.

BOARD POSITION: Oppose

SB 1576

Committee on Business, Professions and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. (Amends sections 8741, 8762 and 8773 of the LS Act.) This bill, among other things, revises the exemption from the taking of the LSIT to civil engineers licensed prior to January 1, 1982. It also expands the definition of "establish" when filing a record of survey to include "location, relocation, reestablishment or retracement."

STATUS: Amended 4/12/12. Passed SEN Committee on B,P&ED on 4/23/12.

RECOMMENDED POSITION: Support

BOARD POSITION:

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Bill Analysis
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BILL: AB 1588

AUTHOR: Atkins

TOPIC: Professions and vocations: reservist licensees

DATE OF INTRODUCTION: 2/6/12

MOST RECENT VERSION: 3/5/12

ANALYSIS DATE: 4/25/12

BILL'S LEGISLATIVE HISTORY: Passed Assembly Business, Professions and Consumer Protection Committee on 3/13/12. In Assembly Appropriations – on suspense file.

RECOMMENDED POSITION: Support

BOARD POSITION: Support

SUMMARY:

This bill would require the boards within the Department of Consumer Affairs to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

COMMENT:

This bill would only affect renewal fees for this Board since continuing education is not required for any of our licensees. This bill should not have a significant impact on the Board even though the number of licensees that would benefit from this bill is unknown. (The Board does not track military status of our licensees.)

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BILL: AB 1750

AUTHOR: Solorio

TOPIC: Rainwater Capture Act of 2012

DATE OF INTRODUCTION: 2/17/12

MOST RECENT VERSION: 4/30/12

ANALYSIS DATE: 5/4/12

BILL'S LEGISLATIVE HISTORY: Passed Assembly Water, Parks and Wildlife Committee 4/24/12. To be heard on ASM Floor 5/7/12.

RECOMMENDED POSITION: Watch

BOARD POSITION:

SUMMARY:

This bill would enact the Rainwater Capture Act of 2012, which would authorize residential, commercial, and governmental landowners to install, maintain, and operate rain barrel systems, as defined, and rainwater capture systems, as defined, for specified purposes, provided that the systems comply with specified requirements. This bill would authorize a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a rainwater capture system, as defined, if the system is used for landscape irrigation. The bill would authorize a landscape contractor holding a specified classification to design and install all exterior components of a rainwater capture system that are not a part of, or attached to, a structure.

COMMENT:

This bill states that the Rainwater Capture Act shall not authorize a landscape contractor to engage in or perform activities that require a license pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700)). Since this language is included in this bill I do not think that the Board needs to be involved in or take a position on this issue.

HISTORY: This bill is substantially the same as last year's AB 275 (Solorio, 2011) which was vetoed by the Governor. The Board supported AB 275 once the bill was amended to include language stating that the bill did not authorize a landscape contractor to perform activities that require a professional engineer's license. The Governor's veto message stated that, "This measure seeks to adopt an interim standard for rainwater capture outside the established Building Standards Commission process. Without some urgency or a more compelling reason, I think it is better to stick with the process and follow existing California law."

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2012 Legislative Session**

BILL: AB 1904

AUTHOR: Block

TOPIC: Professions and vocations: military spouses: temporary licenses

DATE OF INTRODUCTION: 2/22/12

MOST RECENT VERSION: 2/22/12

ANALYSIS DATE: 4/25/12

BILL'S LEGISLATIVE HISTORY: Passed Assembly Business, Professions & Consumer Protection Committee 3/27/12. Is in Assembly Appropriations – on suspense file

RECOMMENDED POSITION: Watch

BOARD POSITION:

SUMMARY:

This bill would authorize a board within the Department of Consumer Affairs to issue a temporary license, valid for 180 days, to an applicant who, among other requirements, holds an equivalent license in another jurisdiction, as specified, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California.

COMMENT:

This bill is an effort to support and improve the lives of military families, more specifically, help military spouses, who frequently move across state lines. One of the requirements of this bill is that the person to be issued a temporary license must hold a current license in another state with the requirements that the board determines are substantially equivalent to its own requirements. Another is that they submit finger prints and any applicable fee.

This bill does not seem necessary for most of our disciplines (except civil, structural and geotechnical) since this Board already has licensure through comity with other states. This bill would attempt to expedite the processing of a temporary license – something that this Board does not take lightly or hand out indiscriminately. Furthermore, the bill is permissive, rather than mandatory, so the Board could choose whether or not it wanted to implement the process.

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Bill Analysis
2012 Legislative Session**

BILL: AB 2570

AUTHOR: Hill

TOPIC: Licensee Settlement Agreements

DATE OF INTRODUCTION: 2/24/12

MOST RECENT VERSION: 2/24/12

ANALYSIS DATE: 4/26/12

BILL'S LEGISLATIVE HISTORY: Passed Assembly Business, Professions & Consumer Protection Committee 4/24/12.

RECOMMENDED POSITION: Watch

BOARD POSITION:

SUMMARY:

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs (DCA) from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the Department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. This bill also provides that any board, bureau, or program within DCA that takes disciplinary action against a licensee based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee to pay any additional sums to the benefit of any plaintiff in the civil action.

COMMENT:

According to the Author, the purpose of the bill is that regulatory gag clauses inhibit the ability of regulatory agencies to perform their oversight function. DCA boards cannot adequately protect consumers from unscrupulous and unqualified individuals if they are unable to communicate with individuals filing complaints or who have been victimized. And furthermore, pressuring aggrieved consumers and injured parties into agreeing to such clauses enables potentially dangerous licensees to continue operating.

Existing law prohibits a physician or surgeon from including, or permitting to be included, a provision within a civil settlement prohibiting another party to the dispute from contacting, cooperating, filing a complaint, or requiring the withdrawal of a complaint with the Medical Board.

There have been numerous bills in previous legislative sessions dealing with this issue. The bills have either not made it out of Committee or have been vetoed by the Governor. The veto message from 2005 stated: "I vetoed a similar bill last year because of the negative effect it would have had on the California economy. This bill further erodes the ability to do business in California by creating more uncertainty regarding litigation by prohibiting any licensee or professional overseen by the Department of Consumer Affairs from including in a civil settlement agreement a provision that prohibits the other party from contacting or filing a complaint with the regulatory agency. When parties who are in dispute agree to settle, there

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should be some assurances that the dispute has been resolved in a satisfactory and final manner for both parties.”

The California Board of Accountancy has taken an “Opposed” position on this bill because it believes that it may deter settlements that would benefit consumers and cost them money in litigation. The Contractors State License Board has taken a “Watch” position.

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BILL: SB 975

AUTHOR: Wright

TOPIC: Professions and vocations: regulatory authority

DATE OF INTRODUCTION: 1/19/12

MOST RECENT VERSION: 3/27/12

ANALYSIS DATE: 5/4/12

BILL'S LEGISLATIVE HISTORY: Scheduled to be heard in Senate Business, Professions & Economic Development Committee 5/7/12.

RECOMMENDED POSITION: Watch

BOARD POSITION: Watch

SUMMARY:

Existing law provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. This bill would amend B&P Code section 101.2 to provide that all boards, bureaus, and commissions have the sole and exclusive authority in state government to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of the code. And that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions other than under that code or by regulation promulgated by the applicable board through its authority granted under that code.

For purposes of this section, "licensing requirements" include, but are not limited to:

- Additional training or certification requirements to practice within the licensed scope of practice.
- Continuing education requirements for renewal or continuation of licensure.
- Any additional requirements beyond those provided in the B&P Code or pursuant to a board's regulations.

COMMENT:

This bill is a follow-up to last year's AB 1210 (Garrick), which was vetoed by the Governor. AB 1210 stated that a licensed civil engineer shall not be required to satisfy any additional experience, training, or certification requirements in order to perform activities in the preparation of storm water pollution prevention plans (SWPPP).

This bill, as was AB 1210, is being sponsored by American Council of Engineering Companies (ACEC - CA).

The Governor's veto message --

This bill would exempt license civil engineers from training requirements related to the preparation of Storm Water Pollution Prevention Plans.

Many of these storm plans are found to be deficient and those preparing them need a much better understanding of the necessary elements of a solid plan. It is not feasible to inspect every plan or every construction site but it is essential to have some process in place to ensure compliance in preparing complete and sound storm water plans.

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The current process depends on a training education program for all professionals who prepare

storm plans – engineers, geologists, hydrologists, and land scape architects. This bill, a piecemeal approach, exempts only one profession, the civil engineers. A more comprehensive solution would be better.

I am directing the State Water Board to review the entire program and evaluate compliance alternatives that are more efficient and workable for all professionals.

I can't speak to the impact of this bill to other boards, bureaus and commissions of DCA but I would think that it would cause many different agencies to start making amendments to this Board's B&P Codes.

There are approximately 19 organizations in "Support" of this bill. The Department of Consumer Affairs is "Opposed."

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BILL: SB 1061

AUTHOR: Walters

TOPIC: Professional Engineers

DATE OF INTRODUCTION: 2/13/12

MOST RECENT VERSION:

ANALYSIS DATE: 5/7/12

BILLS LEGISLATIVE HISTORY: Set for 1st hearing in Senate Business, Professions & Economic Development Committee 4/23/12. Hearing canceled at the request of the Author.

RECOMMENDED POSITION: Oppose

BOARD POSITION: Oppose

SUMMARY: This bill would prohibit the practice of agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the Board for Professional Engineers, Land Surveyors, and Geologists in the particular discipline. In other words, this bill converts all engineering "title act" disciplines to "practice act" disciplines. This bill would also authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.

HISTORY: The issue of title acts and what should be done about them has been a concern of the Board for over 25 years. After various studies, task forces, and legislation, the Board continues to arrive at the same conclusion that it would be best to leave "title acts" as they are or to leave some of them as they are and to eliminate others. In 2000, the Joint Legislative Sunset Review Committee (JLSRC), the Department of Consumer Affairs (DCA), and the Board decided that the best way to address the "title act" issue was to contract with an independent consultant to perform a review of all of the title act branches of engineering. The report that was prepared by the independent consultant (ISR) was completed in November of 2002. The report concluded, among other things, that the state should eliminate title protection and offer practice protection to all regulated disciplines. A Task Force was then appointed by the Board consisting of two members of the Board, Committee consultants of the Legislature, a representative from DCA, and other various members of the public and two professional engineers (not members of the Board). The Task Force began meeting in August of 2003 and held five meetings throughout the state to discuss the ISR recommendations and receive public comment regarding those recommendations or others being considered by the Task Force. The Task Force completed its work in January of 2004 and made its recommendations to the Board. The Board, with minor changes, approved the Task Force recommendations in May of 2004. The JLSRC met in June 2004, adopted all the Board's recommendations and the next year, on June 20, 2005, placed them into a bill, SB 246. SB 246 included language that established chemical, control systems, fire protection, nuclear, petroleum, and traffic engineering as "practice acts" and discontinued examinations for the title disciplines of agricultural, industrial, and metallurgical engineering. Among other things, SB 246 provided that the professional practice of engineering in the branches recognized by the Board may overlap, but with specified provisions. SB 246 was met with vigorous opposition and was having difficulty making it through the Legislature. In July 2005, it was scheduled to be heard in the Assembly Committee on Business and Professions (B&P), but due to the opposition it was "held" in Committee.

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In 2005/2006, the Assembly B&P Committee held a number of meetings regarding the issue of converting the "title act" disciplines to "practice acts." The meetings were comprised of numerous groups and individuals who expressed an interest – both pro and con – to the language in SB 246 to make such conversions. The goal of the meetings was to arrive at language that was acceptable to most, if not all, of the parties. Agreeable language could not be reached, so after much discussion between the Board and the JLSRC, the decision was made that the language to convert "title act" disciplines to "practice acts" should be dropped from the bill. The Board voted at its March 17, 2006, meeting to support the removal of the language to convert "title act" disciplines to "practice act" disciplines.

In 2009, SB 275 (Walters), sponsored by the California Farm Bureau and Chemical Industry Council was introduced. SB 275 converted all "title act" engineers to "practice acts." American Council of Engineering Companies (ACEC CA) and Professional Engineers in California Government (PECG) were opposed to the bill. The Board had a "watch" position. SB 275 failed passage out of its first Committee hearing.

In 2011, SB 692 (Walters), sponsored by the California Farm Bureau, and identical to SB 275, was introduced. In addition to converting all "title act" engineers to "practice act" engineers, this bill would have authorized an engineer to practice engineering only in the field or fields in which he or she is by education or experience competent. It further specified that the "title acts" to be converted to "practice acts" could practice without limitation or restriction in those specific disciplines – (but not into civil, electrical and mechanical engineering). SB 692 was then amended on 8/22/11 and again on 1/4/12. These amendments were made in response to a Legislative Counsel Opinion (#1101097) which was issued on July 22, 2011 due to a request by the Author. The amendments to AB 692 allowed any validly licensed engineer to practice without limitation or restriction in any branch of engineering (including civil, electrical, and mechanical engineering) provided they are competent and proficient by education or experience in that engineering practice. AB 692 failed to pass out of the Senate Business, Professions and Economic Development Committee on 1/9/12.

This bill, SB 1061 (Walters), again sponsored by the California Farm Bureau, is identical to the latest amended version of last year's SB 692 (1/4/12).

COMMENT: The latest amendments to last year's SB 692, and the language in this bill, SB 1061, are in response to issues raised in the Legislative Counsel Opinion (#1101097) which was issued on July 22, 2011. Unfortunately, it appears that the Sponsors of SB 1061 either have not correctly interpreted the Legislative Counsel Opinion or they are intentionally putting a spin on their reading of the Opinion. In the 1/9/12 analysis of SB 692 the Sponsors indicated to the Committee Consultant that, "The determination that only a licensed civil engineer may provide any civil engineering services for fixed works, eliminates the reforms which the bill intended by converting the title acts to practice acts. Even if each of the title acts were established as practice disciplines, no engineer licensed in any of the new practice disciplines would be able to practice engineering work on any project involving fixed works, unless they were licensed as a civil engineer."

The Sponsors further stated to the Consultant that, "converting title acts to practice acts is still important, it is also necessary to allow overlap across all engineering disciplines if the licensed professional engineer is by education or experience competent and proficient to do the work."

The Legislative Counsel Opinion (#1101097) clearly states that "a professional engineer who is not

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a civil engineer may provide services for portions of, or to add to or modify, a project engineered under the responsible charge of another licensed engineer as long as the professional engineer exercises the requisite extent of control and assumes responsibility for the engineering decisions as specified in Section 404.1 of Title 16 of the California Code of Regulations. In our view, therefore, even if an engineering project contains fixed work components, a professional engineer who is not licensed as a civil engineer may be in responsible charge of a portion of the project that does not involve those fixed work components if the criteria for the exercise of responsible charge are otherwise met."

The author of the Opinion ends her document by again stating "a licensed professional engineer who is not a civil engineer may be in responsible charge of designs, plans and specifications, and engineering reports for the components of an engineering project that are not fixed works."

The Legislative Counsel Opinion supports how this Board has been interpreting the Engineers Act and Title 16 of the California Code of Regulations.

Furthermore, a result of SB 1061 would be that many people who are currently licensed in "title act" disciplines were grandfathered (licensed without examination) into those disciplines, although it is becoming fewer and fewer each year, but those people would be allowed to practice in all branches of engineering. This brings up another issue: most of the "title act" disciplines are shrinking (see below) and may eventually go away on their own through attrition. The Board also needs to consider that many unlicensed people are currently legally doing work that would suddenly become protected if "title acts" are converted to "practice acts"; these people would no longer be able to do their jobs. Therefore, SB 1061 could be seen as a "job killer" and, in this economy, may reflect poorly on this bill.

Branch of Engineering	Number of Licensees FY 1999/2000	Number of Licensees As of 6/30/2010	Number of Licensees As of 1/1/12
Agricultural	309	193	158
Chemical	2140	1954	2010
Control System	2410	1416	1257
Fire Protection	883	760	751
Industrial	854	467	404
Metallurgical	417	277	261
Nuclear	1038	613	529
Petroleum	482	389	367
Traffic	1398	1512	1503

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: SB 1576

AUTHOR: B,P&ED Committee

TOPIC: Professions and vocations

DATE OF INTRODUCTION: 3/12/12

MOST RECENT VERSION: 4/12/12

ANALYSIS DATE: 5/3/12

BILL'S LEGISLATIVE HISTORY: Passed SEN Business, Professions & Economic Development Committee 4/23/12. To be heard in SEN Appropriations Committee 5/7/12.

RECOMMENDED POSITION: Support

BOARD POSITION:

SUMMARY: This bill is the "omnibus bill" for the Senate Committee on Business, Professions and Economic Development. Among other things, this bill makes the following changes to the Land Surveyors' Act:

1. Revises the exemption from taking the first part of the land surveyor examination (the land surveyor-in-training examination – LSIT) to only those applicants who were registered by the Board as a California civil engineer prior to January 1, 1982 (section 8741).
2. Corrects outdated references to correctly refer to the "Manual of Surveying Instructions (2009) published by the federal Bureau of Land Management (sections 8741 and 8762).
3. Clarifies the requirement for a land surveyor to file a record of survey by expanding the definition of "establish" to include "location, relocation, reestablishment or retracement" (section 8773).

COMMENT: The above amendments to this bill were submitted by the California Land Surveyors Association (CLSA). CLSA stated that in 1979, when the existing exemptions were placed in the LS Act (section 8741), the education curriculum requirements for engineers generally included courses that taught a fundamental knowledge of surveying, mathematics, and basic science. At that time, it was justified to exclude an engineer with a postsecondary degree from the first division (LSIT) of the land surveyor's examination because it was assumed that they were being adequately taught and tested in those areas. In recent years the courses required and taught to engineers generally do not include courses in surveying.

According to CLSA current law refers to an outdated document published by the Bureau of Land Management (BLM) and that the language in this bill corrects the reference.

CLSA also states that the word "establishment" creates confusion for land surveyors because of multiple interpretations of the word. This bill clarifies the section of law that includes the criteria for the requirement to file a record of survey by expanding the definition of "establishment" to include the terms "location, relocation, reestablishment or retracement."

VII. ENFORCEMENT

FY2011/2012 SUMMARY OF ENGINEERING AND LAND SURVEYING ENFORCEMENT CASES
Through April 2012

	IN-HOUSE					DIV. OF INVEST.			ATTORNEY GENERAL			
	Cases Opened	Cases Closed	Cases Pend.	Mean/Median Age of Cases Pending (in days)	Pending Cases Over 365 Days	Cases Subm.	Cases Ret'd	Cases Pend.	Cases Subm.	Cases Closed	Cases Pend.	ACCs Pend.
JULY	26	23	323	278/182	98	3	6	19	2	0	110	0
AUG	18	21	320	290/213	97	5	3	21	5	0	115	0
SEPT	40	18	342	277/227	98	3	0	24	3	12	106	0
OCT	24	21	345	284/221	102	0	3	21	1	7	100	0
NOV	34	24	355	280/246	103	5	0	26	2	3	99	0
DEC	36	23	369	279/226	111	2	2	26	4	4	99	0
JAN	23	44	349	305/257	137	7	4	29	4	1	102	0
FEB	39	22	366	299/251	132	3	3	29	3	2	103	0
MARCH	20	29	357	305/250	139	1	2	28	2	1	104	0
APRIL	15	21	351	317/260	132	5	3	30	4	12	96	0
MAY												
JUNE												
TOTALS	275	245				34	26		30	42		

Explanation of Terms:

"In-House" totals represent the number of complaints opened, closed, and pending in a given month. In addition, the mean and median age of pending cases and the number of pending cases over 365 days are provided.

"Div. Of Invest." totals represent the number of complaints which are referred to, returned from, and still pending with the Division of Investigation in a given month. These cases are a subset of the "In-House" cases.

"Attorney General" totals represent the number of cases submitted to, closed, and pending with the Office of the Attorney General, as well as a breakdown of how many cases are Statements of Issues (SOIs), which are not generated by enforcement/complaint activity, and how many cases are Accusations (ACCs), which are generated by enforcement/complaint activity. (SOIs are generated by denials of applications for registration or licensure.)

SUMMARY OF ENGINEERING AND LAND SURVEYING ENFORCEMENT CASES BY FISCAL YEAR
Through April 2012

	IN-HOUSE					DIV. OF INVEST.			ATTORNEY GENERAL				
	Cases Opened	Cases Closed	Cases Pend.	Mean & Median Age of Pend. Cases	Cases Pend. Over 365 Days	Cases Subm.	Cases Ret'd	Cases Pend.	Cases Subm.	Cases Closed	Cases Pend.*	SOIs Pend.	ACCs Pend.*
04/05	276	262	570	586/506	368	31	23	42	20	24	38	3	35
05/06	452	374	648	504/366	326	74	24	92	30	29	39	2	37
06/07	559	569	637	513/405	353	50	42	100	15	28	26	3	23
07/08	457	612	482	446/294	213	54	62	92	17	9	34	3	31
08/09	458	558	382	405/260	151	34	64	62	59	12	67*	4***	66***
09/10	456	541	298	321/192	100	28	51	29**	88	38	117	1***	117***
10/11	418	400	320	269/182	86	32	39	22	52	61	108	0	108
11/12	275	245	351	317/260	132	34	26	30	30	42	96	0	96

The Division of Investigation cases are a subset of the In-House Complaint Investigation Cases.

* In preparing the July 2008 statistics, it was discovered that the Accusations Pending (ACCs Pend.) number was incorrect. It is not possible to go back through the years to determine when the error in the statistics occurred; therefore, we have not changed the previous years' numbers.

** In preparing the June 2010 statistics, it was discovered that the Division of Investigation Cases Pending (DIV. OF INVEST. Cases Pend.) number was incorrect. It is not possible to go back through the years to determine when the error in the statistics occurred; therefore, we have not changed the previous years' numbers.

*** Some of the cases pending at the Attorney General's Office involve both a Statement of Issues (denial of licensure) and an Accusation (disciplinary action against a license or certificate). Therefore, the number of SOIs Pending and the number of ACCs Pending total more than the number of Cases Pending at the Attorney General's Office.

Explanation of Terms:

"In-House" totals represent the number of complaints opened, closed, and pending in a given month. In addition, the mean and median age of pending cases and the number of pending cases over 365 days are provided.

"Div. Of Invest." totals represent the number of complaints which are referred to, returned from, and still pending with the Division of Investigation in a given month. These cases are a subset of the "In-House" cases.

"Attorney General" totals represent the number of cases submitted to, closed, and pending with the Office of the Attorney General, as well as a breakdown of how many cases are Statements of Issues (SOIs), which are not generated by enforcement/complaint activity, and how many cases are Accusations (ACCs), which are generated by enforcement/complaint activity. (SOIs are generated by denials of applications for registration or licensure.)

ENGINEERING AND LAND SURVEYING COMPLAINT CATEGORY STATISTICS

Through April 2012

Because the Professional Engineers Act and Professional Land Surveyors' Act have general/all-inclusive statutes which address violations (for example, Section 6775 includes fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, aiding/abetting, and violating the Code of Professional Conduct in the practice of professional engineering, and Section 8780 includes fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, aiding/abetting, and violating the Code of Professional Conduct in the practice of professional land surveying), the Enforcement Unit does not classify complaints by the specific type of violation; in general, we investigate the complaint as if all of these violations have been alleged. However, the Department of Consumer Affairs (DCA) has standard category types for complaint statistics which we use when a complaint case is initially opened. These categories are contractual, fraud, health and safety, non-jurisdictional, competence/negligence, other category, personal conduct, product quality, unprofessional conduct, and unlicensed or unregistered activity. Therefore, when a complaint is received and opened as a formal complaint the information provided by the complainant is reviewed and one or two of the DCA categories are chosen for statistical purposes.

CATEGORY	FY04/05	FY05/06	FY06/07	FY07/08	FY08/09	FY09/10	FY10/11	FY11/12
Competence/Negligence	84	110	114	105	159	124	170	109
Contractual*	72	96	87	84	78	60	76	42
Fraud	33	68	56	49	53	41	40	38
Unlicensed Activity	84	105	98	103	108	82	85	69
Other Category	6	7	6	28	22	18	16	10
Record of Survey**	35	52	29	23	74	55	88	55
Delinquents**	1	1	2	0	2	2	1	1
Examination Subversion**	31	106	271	149	94	167	83	24
Code of Professional Conduct	5	16	9	16	10	8	7	1
Reporting of Legal Actions Program**	N/A	N/A	N/A	1	18	38	74	38

* Contractual includes failure to use a written contract or failure to include all required elements in the written contract as well as breach of contract.

** These are not DCA categories; they are Board categories.

(Please note: These numbers may total more than the number of complaints we opened in a given year because a complaint may fall within more than one category.)

AREA OF PRACTICE OF ENGINEERING & LAND SURVEYING COMPLAINT INVESTIGATION CASES OPENED Through April 2012

This chart provides statistical information regarding the area of practice/discipline of the complaints opened each month. The data is based on the allegations provided with the initial complaint and the branch of licensure of the subject.

Month	Exam Subversion		Unlicensed Activity			Land Surveying		Civil Engineering	Electrical Engineering	Mechanical Engineering	Other Engineering
	w/1	PE	LS	PE	LS	PLS	RCE				
FY04/05	27	4	0	62 {1}	19	41	29	97	6	6	2 - Ch
FY05/06	101	5	0	78 {1}	26	83	37	130	7	9	3 - FP, Ch, QU
FY06/07	261	10	0	73 {2}	29	60	27	113	3	2	4 - MF, 3 TR
FY07/08	138	11	0	84	31	81	31	99	3	2	1 - Ch
FY08/09	87	7	0	83 {2}	31	109	36	121	0	5	0
FY09/10	167	0	0	56 {1}	27	77	25	104	3	8	1 - PS/CO
FY10/11	80	3	0	56 {1}	25	96	33	127	7	4	2 - QU, CR
July	0	0	0	3	3	1	1	16	0	1	0
Aug	0	0	0	6	2	2	4	4	1	0	0
Sept	0	0	0	6	8	13	5	11	0	2	1 - TR
Oct	0	0	0	5	3	9	0	6	0	0	0
Nov	0	0	0	1	1	12	3	15	1	1	1 - TR
Dec	22	2	0	5	1	2	1	5	0	0	0
Jan	0	0	0	5	5	8	0	7	0	0	0
Feb	0	0	0	3	0	20	7	10	0	0	0
March	0	0	0	3 {1}	5	3	2	7	0	0	0
April	0	0	0	3	2	3	3	6	0	0	0
May											
June											
Totals	22	2	0	40 {1}	30	73	26	87	2	4	2

The data is broken down as follows:

Exam Subversion (involving a non-licensed individual, a PE, or a PLS)

Unlicensed Activity (involving engineering or land surveying, also includes delinquents in curly brackets as a subset)

Land Surveying (involving a PLS or a Pre-82 RCE)

Civil Engineering (which includes structural and soils engineering)

Electrical Engineering

Mechanical Engineering

Other Engineering (Title Act disciplines)

SOURCE OF ENGINEERING AND LAND SURVEYING COMPLAINT INVESTIGATION CASES OPENED
Through April 2012

This chart provides statistical information regarding the source of the complaints opened each month.

Month	Public	Government/Law Enforcement	Profession	Internal/Other
FY04/05 Totals	128	23	52	79
FY05/06 Totals	193	54	50	155
FY06/07 Totals	158	24	62	324
FY07/08 Totals	152	42	64	194
FY08/09 Totals	157	41	90	169
FY09/10 Totals	179	22	81	186
FY10/11 Totals	137	65	70	157
July	10	2	3	11
August	4	1	8	5
September	17	1	7	15
October	14	2	1	7
November	8	0	13	13
December	27	1	1	7
January	5	2	7	9
February	12	11	10	6
March	9	1	4	6
April	6	1	2	6
May				
June				
Totals	112	22	56	85

The following provides a general definition/description of each of the categories:

Public – Consumers, non-licensees, non-governmental/non-licensee organization (such as consumer groups)

Government/Law Enforcement – Cities, counties, other State of California agencies, other states, federal government, police departments, district attorneys; also includes individuals filing on behalf of an agency (such as the County Surveyor)

Profession – Licensees, professional societies (also includes individuals filing on behalf of a professional society)

Internal/Other – No complainant (such as exam subversion cases), inquiries from individuals/agencies/organizations which lead to the opening of a complaint, anonymous

AGING OF ENGINEERING AND LAND SURVEYING COMPLAINT INVESTIGATION CASES
Through April 2012

AGE (DAYS)	7/11	8/11	9/11	10/11	11/11	12/11	1/12	2/12	3/12	4/12	5/12	6/12
1-30 Days (Under 1 Month)	26	17	39	24	34	36	22	39	20	15		
31-60 Days (1-2 Months)	23	23	15	33	24	33	13	21	38	20		
61-90 Days (2-3 Months)	16	22	23	15	32	23	32	10	19	37		
91-120 Days (3-4 Months)	23	16	20	22	15	31	23	30	10	19		
121-180 Days (4-6 Months)	51	61	36	35	35	31	40	52	48	32		
181-270 Days (6-9 Months)	54	54	77	61	62	40	46	39	49	54		
271-365 Days (9-12 Months)	32	30	34	53	50	64	36	43	34	42		
366-730 Days (1-2 Years)	83	82	85	90	88	96	122	111	18	107		
731-1095 Days (2-3 Years)	11	10	11	10	14	15	15	21	21	25		
1096-1460 Days (3-4 Years)	2	3	0	0	0	0	0	0	0	0		
1461-1826 Days (4-5 Years)	2	2	2	2	1	0	0	0	0	0		
1827-2192 Days (5-6 Years)	0	0	0	0	0	0	0	0	0	0		
2193-2558 Days (6-7 Years)	0	0	0	0	0	0	0	0	0	0		
TOTAL	323	320	342	345	355	369	349	366	357	351		

ENGINEERING & LAND SURVEYING COMPLAINT INVESTIGATION CASE RESOLUTION STATISTICS

Through April 2012

This table shows the general closing categories used by the Enforcement Unit when closing a complaint investigation case; these categories are based on categories from the Department of Consumer Affairs.

Fiscal Year	No Violation & Insufficient Evidence	Compliance Obtained	Mediated	RAIN	Warning Letter	Citation to be Issued	Referred to		Other
							DA	AG	
04/05	62	83	7	11	12	32	2	32	11
05/06	92	86	28	19	25	52	5	61	9
06/07	171	199	7	10	34	70	12	48	18
07/08	135	183	9	8	76	113	11*	63*	12
08/09	130	112	11	17	91	112	3	77	5
09/10	150	104	2	5	59	98	5	103	14
10/11	122	71	6	11	51	58	10*	60*	13
11/12	55	55	1	1	36	50	12	28	7

* In FY07/08, two cases were submitted to both the District Attorney and the Attorney General. In FY10/11, one case was submitted to both the District Attorney and the Attorney General.

No
“No Violation & Insufficient Evidence” also includes “No Jurisdiction” (the alleged violations do not fall within the Board’s Jurisdiction). “RAIN” stands for “Resolved After Initial Notification.” “Other” includes such categories as Subject Deceased, Unable to Locate Subject, Non-Cooperation of Complainant, No Response from Exam Subversion Subjects (Applications Voided).

In addition to investigating formal complaints, the Enforcement Unit staff assists consumers and licensees in resolving problems before they actually become complaints. Most of these matters involve a breakdown of communication between the licensee and the client. The Enforcement Analysts assist both parties in re-opening the lines of communication; the analysts act only as mediators, not arbitrators. In these situations, it is generally the parties involved who resolve the problem rather than the analysts. Most of these matters are generally handled through telephone contact rather than with correspondence.

ENGINEERING AND LAND SURVEYING CITATION ORDER STATISTICS

Through April 2012

Month	Number Issued	Violation Type of Citations Issued*										Informal Conferences and/or Appeal Hearings Requested	Informal Conferences and/or Appeal Hearings Held	Number Modified, Affirmed, or Dismissed	Number Final	Order of Final Citations	
		Unlicensed					Licensed									Abate Only	Abate & Fine (w/amt of fine)
		Title	Rep as able to practice	Offer	Practice	Other	Failure to File	Neg	Misrep	Other							
FY04/05	16	1	0	3	6	3	6	0	0	4	4	23	21	23	N/A	\$10,850	
FY05/06	9	1	1	5	3	0	0	2	0	3	6	4	5	4	N/A	\$11,500	
FY06/07	9	1	1	5	6	4	1	3	0	2	2	2	4	2	N/A	\$11,250	
FY07/08	71	1	3	30	27	7	22	13	3	36	29	21	16	21	N/A	\$89,600	
FY08/09	60	0	0	21	20	7	7	15	6	29	35	6	27	6	N/A	\$43,350	
FY09/10	38	5	0	19	15	11	11	10	0	24	13	15	16	15	N/A	\$38,750	
FY10/11	71	2	3	14	9	12	19	24	2	51	36	33	36	33	N/A	\$54,250	
July	13	0	0	1	1	0	7	8	1	17	8	3	2	3	N/A	\$5,050	
August	11	0	1	2	3	1	4	5	0	8	6	7	10	7	N/A	\$5,750	
September	6	0	0	2	0	2	0	3	0	10	4	3	2	3	N/A	\$10,900	
October	10	0	0	0	0	0	1	10	0	5	3	3	5	3	N/A	\$2,000	
November	28	7	3	14	7	20	2	3	2	13	11	2	3	2	N/A	\$12,500	
December	24	0	0	14	10	18	3	4	1	23	17	4	5	4	N/A	\$37,500	
January	22	1	1	17	6	15	1	0	0	4	13	3	2	3	N/A	\$10,500	
February	7	1	0	6	2	3	0	0	0	1	6	5	7	5	N/A	\$50,250	
March	8	2	1	3	2	7	0	1	0	1	8	9	10	9	N/A	\$20,750	
April	26	4	2	12	10	12	2	3	1	6	7	11	6	11	N/A	\$15,000	
May																	
June																	
Totals	155	15	8	71	4	148	20	37	5	88	83	50	52	50	104	N/A	\$180,200

*Violation Type of Citations Issued – a single citation may include multiple violations

Unlicensed - Title = Use of any restricted title

Unlicensed - Rep as able to practice = Representing self as able to practice one of the 4 practice acts (CE/SE/GE, EE, ME, & LS) by using any of the titles associated with those practice acts or in any other way representing that one is authorized to practice in those areas

Unlicensed - Offer = Offering to perform any of the 4 practice acts (includes offers in advertisements)

Unlicensed - Practice = Actually practicing any of the 4 practice acts

Unlicensed - Other = Any other violations involving unlicensed activity

Licensed - Failure to File = Failure to file records of survey/corner records in the time and/or manner required by law

Licensed - Neg = Negligence in the professional practice

Licensed - Misrep = Misrepresentation in the professional practice

Licensed - Other = Any other violations in the professional practice

A citation order is final 30 days after it is issued unless a request for an informal conference and/or an appeal hearing is received. Following an informal conference, the citation order may be modified, affirmed, or dismissed. An informal conference may be commenced and continued to provide for the receipt and review of additional information. The cited person may also withdraw his/her request for an informal conference and/or appeal hearing; the citation then becomes final 30 days after the date of issuance.

OUTCOME OF ENGINEERING & LAND SURVEYING CASES SUBMITTED TO THE DISTRICT/CITY ATTORNEY Through April 2012

The table below indicates the outcome of complaint cases submitted to the District/City Attorney for criminal prosecution, as requested by the Enforcement Committee.

Once a complaint investigation case is submitted to the appropriate District or City Attorney for criminal prosecution, we close our complaint case and notify the complainant. We also request certified court records from the appropriate court in order to monitor the outcome of the criminal action (cases for which we have not yet received the certified records are shown as "Pending"). An article describing the result of the criminal action is printed in the Board's Bulletin.

Fiscal Year	Conviction	Dismissed/Withdrawn*	Statute of Limitations Expired	Bench Warrant Issued	Pending
03/04	5	4	1	0	2
04/05	1	0	0	0	1
05/06	1	6	0	0	0
06/07	4	1	0	0	7
07/08	5	3	0	0	1
08/09	1	0	0	0	2
09/10	1	1	0	0	3
10/11	1	4	0	0	5
11/12	0	0	0	0	12

* A case is listed as "Dismissed/Withdrawn" if the matter is dismissed through the courts ("in the interest of justice") or if the District/City Attorney withdraws the case and does not file criminal charges. Of the 12 cases listed in this category, 7 were withdrawn by the DA due to insufficient evidence to prove beyond a reasonable doubt that a crime had occurred; 2 were dismissed "in the interest of justice" pursuant to Penal Code section 1385; and 3 were dismissed because the suspect was no longer within the jurisdiction of the DA's Office (the subject was out of the state or could not be located).

ENGINEERING AND LAND SURVEYING
ACCUSATION AND PROBATION VIOLATION CASES SUBMITTED TO THE AG'S OFFICE
Through April 2012

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12
LA	8	3	6	7	18	40	19	6
SA	4	11	2	3	16	6	7	5
SD	1	8	3	2	9	22	17	16
SF	5	4	2	4	16	20	9	3
Totals	18	26	13	16	59	88	52	30

Multiple complaint cases against the same individual are combined into one Accusation case. In addition, cases submitted to the AG's Office for probation violation proceedings are also included.

Counties handled by each AG Office:

LA Inyo, Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara, Ventura

SA Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba

SD Imperial, Orange, Riverside, San Diego

SF Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma

AGING OF ENGINEERING AND LAND SURVEYING
ACCUSATION & PROBATION VIOLATION CASES ASSIGNED TO THE ATTORNEY GENERAL
Through April 2012

	0-91 DAYS	92-182 DAYS	183-274 DAYS	275-365 DAYS	1-2 YEARS	2-3 YEARS	OVER 3 YEARS
PRE-ACCUSATION CASES	8	6	4	1	0	1	1
POST-ACCUSATION CASES	10	4	4	13	13	1	0

“Pre-Accusation” are cases for which an Accusation has not yet been filed and is calculated from the date the case is submitted to the AG’s Office to the current date.

“Post-Accusation” are cases for which an Accusation has been filed and is calculated from the date the Accusation is filed to the current date.

OUTCOME OF ENGINEERING & LAND SURVEYING CASES SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE

Through April 2012

Based on the Effective Date of the Decision

(Including Proposed Decisions, Stipulations, Defaults, and Decisions After Reconsideration)

Fiscal Year	Total	Revoked or Voluntary Surrender	Rev/Stay (with probation)	Susp/Stay (with probation)	Other (i.e., Suspension Only, Probation Only)	Dismissed**	Withdrawn*	
							Acc Filed	No Acc Filed
04/05	27	3	15	3	5	0	1	0
05/06	24	7	10	1	3	1	0	2
06/07	28	10	8	0	3	0	3	4
07/08	7	2	1	0	3	1	0	0
08/09	12	4	5	0	1	0	0	2
09/10	38	11	11	0	8	0	1	7
10/11	61	20	24	1	6	0	5	5
11/12	42	7	21	1	4	2	5	2

* For statistical tracking purposes, we use the term "Withdrawn" to apply to both cases which are returned by the AG's Office with the recommendation that an Accusation not be filed as well as cases in which an Accusation is filed and then formally withdrawn (through a Notice of Withdrawal signed by the Executive Officer as the Complainant in the Accusation) prior to the issuance of a Final Decision by the Board. Generally, the DAG will recommend that an Accusation not be filed if he believes, after reviewing all of the evidence provided, the case is too old or there is insufficient evidence or if the subject/respondent complies with the law (such as filing the Record of Survey or completing the terms of the contract). Additionally, Accusations are withdrawn (after filing) if additional evidence indicates that the respondent is in compliance with the law.

** An Accusation is dismissed (with or without prejudice) through a Final Decision by the Board (generally, by adopting a Proposed Decision which orders dismissal or by granting a Petition for Reconsideration and ordering dismissal).

(It is rare that a case will be opened as a complaint, submitted to the AG's Office, and have a final decision issued in the same fiscal year. In addition, multiple complaint cases against the same individual are combined into one case when submitted to the AG's Office.)

OUTCOME OF ENGINEERING & LAND SURVEYING CASES SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE
BY TYPE OF DECISION

Through April 2012 (Based on the Effective Date of the Board's Decision)

Fiscal Year	Default Decision	Proposed Decision	Stipulation	Decision After Rejection or Reduced Proposed Decision	Decision After Reconsideration (following Proposed Decision or Decision After Rejection)
04/05	Revoked-1	Revoked-1 Rev/Stay-2 Susp/Stay-1 Prob extended-1	Rev/Stay-13 Vol Surr & New CE-2 Vol Surr-1 Susp/Stay-2 Public Reapproval w/cond-1 Probation continued-1	0	0
05/06	Revoked-2	Revoked-3 Rev/Stay-2 Dismissed-1	Vol Surr-2 Rev/Stay-8 Susp/Stay-1 Public Reapproval w/cond-1 Probation continued-2	0	0
06/07	Revoked-1	Revoked-3 Rev/Stay-1	Public Reapproval w/cond-1 Rev/Stay-7 Vol Surr-6 Probation continued-2	0	0
07/08	Revoked-2	Dismissed-1 Prob extended-1 Public Reapproval w/costs-1	W/draw ACC & Issue Cite-1 Rev/Stay-1	0	0
08/09	0	Revoked-2 Rev/Stay-1 Susp/Prob extended-1	Rev/Stay-4 Vol Surr-2	0	0
09/10	Revoked-3	Revoked-4 Rev/Stay-1	Rev/Stay-10 Vol Surr-4 Public Reapproval w/cond-7 W/draw AC & Issue Cite-1	0	0
10/11	Revoked-9	Revoked-3 Susp/Stay-1	Rev/Stay-24 Vol Surr-8 Vol Surr & New CE-1 Public Reapproval w/cond-5	0	0
11/12	Revoked-2	Dismissed-1 Rev/Stay-2 Susp/Stay-1	Rev/Stay-19 Vol Surr-5 Vol Surr & New CE-1 Public Reapproval w/cond-3	0	Dismissed-1

ADOPTION vs. REJECTION OF ENGINEERING AND LAND SURVEYING
PROPOSED DECISIONS PREPARED BY ADMINISTRATIVE LAW JUDGES
Also Includes Reduction of Penalty Ordered Proposed Decision
Through April 2012 (Based on the Effective Date of the Decision)

YEAR	Number Of Proposed Decisions	Number Adopted	Percent Adopted	Number Rejected	Percent Rejected	CHANGE IN DECISION & ORDER (PD = Proposed Decision; DAR = Decision After Rejection)
04/05	5	5	100%	0	0%	N/A
05/06	6	6	100%	0	0%	1 PD was adopted, but the penalty order was reduced
06/07	4	4	100%	0	0%	1 PD was adopted, but the penalty order was reduced
07/08	3	3	100%	0	0%	
08/09	4	4	100%	0	0%	
09/10	6	6	100%	0	0%	1 PD was adopted, but the penalty order was reduced
10/11	4	4	100%	0	0%	1 PD was adopted as a Precedential Decision
11/12	5	5	100%	0	0%	The adoption of 1 PD was set aside and the Accusation dismissed following a Petition for Reconsideration

RESTITUTION AND RECOVERY OF BOARD COSTS ORDERED IN ENGINEERING AND LAND SURVEYING BOARD DECISIONS

Through April 2012 (based on the effective date of the Board's decision)

Fiscal Year	Number of Decisions requiring:		Total Dollar Amount ordered as Restitution with breakdown by type of decision		Total Dollar Amount ordered as Recovery of Board Costs with breakdown by type of decision	
	Restitution	Recovery of Board Costs	(PD = Proposed Decision; Recon = Decision After Reconsideration; Stip = Stipulation; PV = Probation Violation)	(PD = Proposed Decision; Recon = Decision After Reconsideration; Stip = Stipulation; PV = Probation Violation)	(PD = Proposed Decision; Recon = Decision After Reconsideration; Stip = Stipulation; PV = Probation Violation)	(PD = Proposed Decision; Recon = Decision After Reconsideration; Stip = Stipulation; PV = Probation Violation)
04/05	3	14	\$40,410.00	\$36,280.00 - 2 Stips - \$18,500 Paid; \$20,780 Not paid (PV) \$4,130.00 - 1 PD - Paid in full	\$117,609.53	\$55,892.50 - 4 PDs - \$4,300 Paid; \$7,814 Not yet paid; \$43,778.50 pay if reinstated \$61,717.03 - 17 Stips - \$43,809 Paid; \$17,908.03 Not paid (PV)
05/06	6	15	\$70,972.50	\$34,345.00* - 1 PD - Not paid (PV) \$36,627.50 - 5 Stips - Paid in full	\$88,239.25	\$34,468.50* - 3 PDs - \$11,117.50 re-ordered in FY08/09; \$2,743 Pay if reinstate; \$20,608 Not paid (PV) \$53,770.75 - 12 Stips - \$44,004.25 Paid; \$3,967 Not paid (probationer deceased); \$5,799.50 Not paid (PV)
06/07	1	7	\$16,000.00	\$16,000.00 - 1 Stip - Not yet paid	\$37,306.50	\$2,500.00 - 1 PD - Pay if reinstate \$34,806.50 - 7 Stips - \$25,905 Paid; \$1,660.50 Not paid (PV); \$7,241 Not yet paid
07/08	0	1	0	N/A	\$2,639.25	\$2,639.25 - 1 PD - Paid in full
08/09	0	4	0	N/A	\$27,525.75	\$12,617.25 - 2 PDs - \$7,901.25 Not yet paid; \$4,716 Pay if reinstate \$14,908.50* - 3 Stips - \$2,291 Paid; \$12,617.50 Not yet paid
09/10	0	18	0	N/A	\$85,731.34	\$30,135.69 - 4 PDs - Not yet paid \$55,595.55 - 14 Stips - Not yet paid
10/11	1	32	\$400.00	\$400 - 1 Stip - Not yet paid	\$123,859.59	\$93,858.78 - 28 Stips - Not yet paid \$30,000.81 - 4 PDs - \$9,513.13 Not yet paid; \$20,487.68 Pay if reinstate
11/12	0	21	0	N/A	\$156,904.90	\$124,614.90 - 18 Stips - Not yet paid \$32,290.00 - 3 PDs - Not yet paid

* 1 Stipulation in FY04/05 re-ordered payments ordered in a Reinstatement decision in FY03/04. 1 Proposed Decision in FY05/06 re-ordered Board costs and reduced and re-ordered restitution from FY03/04. 1 Stipulation in FY08/09 re-ordered payments ordered in a Proposed Decision in FY04/05. "Not yet paid" indicates that the respondent still has time to pay the amount owed before violating probation by failing to pay.

COMPARISON BETWEEN CERTAIN ENGINEERING AND LAND SURVEYING
MONTHLY STATISTICS AND ENFORCEMENT PERFORMANCE MEASURES

Category	Standard	Actual*
Mean Age of Complaint Cases	120 days	317 days
Median Age of Complaint Cases	120 days	260 days
Percentage of Cases Over 365 Days Old	≤10%	38%
Percentage of Cases Over 180 Days Old	≤35%	65%
Complaint Cases Opened per Month per Analyst**	6 cases	2.5 cases ***
Complaint Cases Closed per Month per Analyst**	6 cases	3.5 cases ***
Complaint Cases Pending per Month per Analyst**	30 cases	58.5 cases

* "Actual" represents the data for April 2012.

** The "standard" is based on 4 full-time analyst positions. From July through November, we had 4 analysts working cases full-time and 3 analysts working cases part-time; therefore, the "actual" for those five months was based on 5.5 positions. Beginning in December, we have 5 analysts working cases full-time and 2 analysts working cases part-time; therefore, the "actual" is based on 6 positions.

*** Average for July through November for these two categories was 5.163 cases opened and 3.890 cases closed. Average for December through April for these two categories was 4.43 cases opened and 4.63 cases closed.

ENFORCEMENT PERFORMANCE MEASURES

Adopted July 1996

Revised October 1997

Mean <i>and</i> Median Age of Complaint Cases	120 days
Aging of Complaint Cases	
Percentage of Complaint Cases Over 365 Days Old	10%
Percentage of Complaint Cases Over 180 Days Old	35%
Complaint Case Workload per Analyst	
Complaint Cases Opened <i>and</i> Closed per Month	6 cases
Complaint Cases Pending per Month	30 cases
Technical Expert Hours per Complaint Case	15 hours
Division of Investigation Hours per Complaint Case	10 hours
Aging of Division of Investigation Case Investigations	90 days
Attorney General Hours per Accusation Case	25 hours
Aging of Accusation Cases	
From Submittal to the AG's Office to Filing of an Accusation	90 days
From Filing of an Accusation to Request to Set Hearing	75 days
From Filing of an Accusation to Final Resolution	1 year

CASE AGING STATISTICS AS REPORTED TO DCA ENGINEERING & LAND SURVEYING CASES

Average Days to Complete Investigation Portion of Cases

includes time from initiation of complaint investigation case to completion of investigative portion – may include time at DOI if case referred; does not include time for formal disciplinary action or citation

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	270	218	405	435	274	279
10-11	318	167	343	383	309	244	222	362	481	646	266	228
11-12	270	345	464	354	375	358	165	352	403	397		

Average Days from Initiation of Complaint Investigation Case to Effective Date of Final Formal Disciplinary Decision

includes time during investigation [may include time at DOI], time preparing file for submittal to the AG's Office, time at the AG's Office, time at OAH [if hearing held], time waiting for Board to take action [at Board meeting or via mail ballot], and time between action by Board and effective day [usually 30 days, but longer if respondent appeals]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	NDA	1274	NDA	2413	NDA	2096
10-11	NDA	NDA	1815	1739	NDA	1813	2307	1347	2263	1682	2384	1308
11-12	NDA	NDA	2104	1156	1426	1391	2152	NDA	NDA	1477		

Average Days from Initiation of Complaint Investigation Case to Date Citation Becomes Final

includes time during investigation [may include time at DOI]; time preparing citation order, time pending receipt of appeal request [30 days]; time during appeal [may include informal conference, referral to the AG's Office for formal appeal hearing conducted by OAH, or both; time waiting for Board to take action on formal appeal hearing decision if one was held [at Board meeting or via mail ballot]; and time between issuance of final decision [from informal conference or formal appeal hearing] and date citation becomes final [30 days]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	1589	1475	1116	1317	1066	1307
10-11	1763	1858	1805	1219	NDA	NDA	NDA	NDA	1428	1339	NDA	1862
11-12	1729	1654	1226	1270	1176	1532	1373	1606	1510	1909		

n/a – statistics were not reported to DCA until January 2010

NDA – no data to report (no final decisions or final citations during that month)

0-30 days = 0-1 month

31-60 days = 1-2 months

61-90 days = 2-3 months

91-120 days = 3-4 months

121-150 days = 4-5 months

151-180 days = 5-6 months

181-210 days = 6-7 months

211-240 days = 7-8 months

241-270 days = 8-9 months

271-300 days = 9-10 months

301-330 days = 10-11 months

331-365 days = 11-12 months

0-365 days = 0-1 year

366-730 = 1-2 years

731-1095 = 2-3 years

1096-1461 = 3-4 years

1462-1826 = 4-5 years

1827-2192 = 5-6 years

2193-2557 = 6-7 years

**GEOLOGISTS & GEOPHYSICISTS PROGRAM
ENFORCEMENT STATISTICS**

FOR FISCAL YEAR 2011-2012

	IN HOUSE COMPLAINT INVESTIGATION CASES			DIVISION OF INVESTIGATION (DOI)		CITATIONS	ATTORNEY GENERAL		
	Opened	Closed	Pending	Referred To	Returned From		Submitted	Closed	Pending
July	1	1	80	0	0	0	0	0	0
August	0	0	80	0	0	1	0	0	0
September	0	5	75	0	0	0	1	0	1
October	2	6	71	1	0	1	0	0	0
November	0	10	61	0	1	0	0	0	1
December	1	14	48	0	0	0	0	0	1
January	0	5	43	0	0	0	0	0	1
February	0	2	41	0	0	0	0	0	1
March	3	2	42	0	0	0	0	0	1
April	3	3	42	0	0	0	0	0	1
May									
June									
Totals	10	48		1	1	2	1	0	

Explanation of Terms:

“In House Complaint Investigation Cases” totals represent the number of complaints opened, closed, and pending in a given month.

“Division Of Investigation (DOI)” totals represent the number of complaints which are referred to, returned from, and still pending with DOI in a given month. These totals are a subset of the “In House Complaint Investigation Cases” totals.

“Citations” totals represent the number of final citations (after all appeal periods have ended) in a given month (informal enforcement action against unlicensed individuals and licensees).

“Attorney General” totals represent the number of cases submitted to, closed, and pending with the Office of the Attorney General in a given month (formal disciplinary action against a licensee).

CASE AGING STATISTICS AS REPORTED TO DCA GEOLOGY & GEOPHYSICS CASES

Average Days to Complete Investigation Portion of Cases

includes time from initiation of complaint investigation case to completion of investigative portion – may include time at DOI if case referred; does not include time for formal disciplinary action or citation

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	996	NDA	NDA	NDA	866	NDA
10-11	NDA	NDA	NDA	700	NDA	417	NDA	677	NDA	1781	954	1512
11-12	522	NDA	821	1906	1230	893	1060	1767	1859	987		

Average Days from Initiation of Complaint Investigation Case to Effective Date of Final Formal Disciplinary Decision

includes time during investigation [may include time at DOI], time preparing file for submittal to the AG's Office, time at the AG's Office, time at OAH [if hearing held], time waiting for Board to take action [at Board meeting or via mail ballot], and time between action by Board and effective day [usually 30 days, but longer if respondent appeals]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	NDA	NDA	NDA	NDA	NDA	NDA
10-11	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA
11-12	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA		

Average Days from Initiation of Complaint Investigation Case to Date Citation Becomes Final

includes time during investigation [may include time at DOI]; time preparing citation order, time pending receipt of appeal request [30 days]; time during appeal [may include informal conference, referral to the AG's Office for formal appeal hearing conducted by OAH, or both; time waiting for Board to take action on formal appeal hearing decision if one was held [at Board meeting or via mail ballot]; and time between issuance of final decision [from informal conference or formal appeal hearing] and date citation becomes final [30 days]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	NDA	NDA	NDA	904	453	NDA
10-11	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	1226	613
11-12	NDA	1171	NDA	1258	NDA	NDA	NDA	NDA	NDA	NDA		

n/a – statistics were not reported to DCA until January 2010

NDA – no data to report (no final decisions or final citations during that month)

0-30 days = 0-1 month

31-60 days = 1-2 months

61-90 days = 2-3 months

91-120 days = 3-4 months

121-150 days = 4-5 months

151-180 days = 5-6 months

181-210 days = 6-7 months

211-240 days = 7-8 months

241-270 days = 8-9 months

271-300 days = 9-10 months

301-330 days = 10-11 months

331-365 days = 11-12 months

0-365 days = 0-1 year

366-730 = 1-2 years

731-1095 = 2-3 years

1096-1461 = 3-4 years

1462-1826 = 4-5 years

1827-2192 = 5-6 years

2193-2557 = 6-7 years

VIII.

EXAMS/LICENSING

- A. April 2012 Examination Update
- B. October 2012 Examination Update
- C. Refund Policy for Overpayment Application Fee

IX. **OUTREACH**

- A. Certificates for years of licensure

Engineer/Land Surveyor/Geologist Award Summary 2012

In 2011, the Board for Professional Engineers, Land Surveyors and Geologists commenced a recognition campaign for State of California Engineers, Land Surveyors and Geologists. The campaign aims to show recognition to individuals holding licenses longer than 50 years for Engineering and Land Surveying. In 2011, certificates were mailed to 1324 engineers and 40 land surveyors.

Listed below is the 2012 breakdown for Engineering licenses greater than 50 years:

License Type	Total
Civil	176
Chemical	4
Electrical	25
Mechanical	46
Petroleum	1
Structural	16
Land Surveyor	3
Grand Total	271

This year we would like to also include Geologists and Geophysicists in these awards. Since licensing in the Geologist/Geophysicist disciplines is newer than Engineering, we are proposing awards for Geologists and Geophysicists who have been licensed for 35 years** or more.

Listed below is the 2012 breakdown for Geology/Geophysicist licenses greater than 35 years:

License Type	Total
Geophysicist	53
Geology	367
Grand Total	420

**If the Board were to issue awards for Geologists and Geophysicists with 40 years of licensure instead of 35, the total count would be reduced to 279 (and would not include any Geophysicists).



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.pels.ca.gov & www.geology.ca.gov



May 1, 2012

«First_Name» «Middle_Name» «Last_Name»

«Addr_Of_Rec_Address_1»

«Addr_Of_Rec_City» «Addr_Of_Rec_State» «Addr_Of_Rec_Zip_Code»

On behalf of the Board for Professional Engineers, Land Surveyors, and Geologists, we would like to take this opportunity to recognize and thank you for the valuable role you play in our Board's mission and vision.

We want to take this opportunity to recognize your outstanding efforts and the scale of commitment you have maintained towards providing professional service to the citizens of the State of California. Please accept our sincerest gratitude for the superior job you are doing.

Sincerely,

William Jerry Silva, Board President
Board for Professional Engineers,
Land Surveyors, and Geologists

Richard B. Moore, P.L.S., Executive Officer
Board for Professional Engineers,
Land Surveyors, and Geologists



Certificate of Recognition



To

John Doe

In appreciation for 50 years of service
to the engineering profession and the State of California.
We extend our gratitude for your role in the Board's mission.

July 28, 2012

Date

Wm Jerry Silva

William Jerry Silva, President
Board for Professional Engineers, Land
Surveyors, and Geologists

Rh

Richard B. Moore, Executive Officer
Board for Professional Engineers, Land
Surveyors, and Geologists

X. **APPROVAL OF DELINQUENT REINSTATEMENTS**

APPROVAL OF DELINQUENT REINSTATEMENTS

Motion: Approve the following 3 and 5-year delinquent reinstatement applications.

TRAFFIC

CAMACHO, MAURICE A.

Reinstate applicant's traffic license once he/she pays all delinquent and renewal fees.

XI. **ADMINISTRATION**

A. FY 2011/12 Budget Overview

FY 2011/12 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors Board Fund and the Geologists & Geophysicists Account. The final FY 2011-12 revenue and expenditure figures will change slightly from the figures below once all year-end revenue and expenditures are realized.

The **Engineers and Land Surveyors (PELS) Fund** as of March 31, 2012:

	FY 11/12	FY 10/11
Expenditures	\$9.4 Million	\$7.7 Million
Revenue	\$9.6 Million	\$8.5 Million
Applications	16,216	16,285
Renewals	34,289	30,253

Budget Allotment	\$10.4 Million
Projection to Year-End	\$10.4 Million
Surplus/Deficit	\$27 Thousand
Revenue (Year-End)	\$10.3 Million

Applications received have decreased slightly versus last year's figures. Renewals have increased based on the cyclical nature of the PELS population. Overall, revenue should increase by \$1.2M as a result.

The **Geologist and Geophysicists (GEO) Fund** as of March 31, 2012:

	FY 11/12	FY 10/11
Expenditures	\$691 Thousand	\$590 Thousand
Revenue	\$760 Thousand	\$763 Thousand
Applications	231	271
Renewals	3,125	3,306

Budget Allotment	\$1.3 Million
Projection to Year-End	\$936 Thousand
Surplus/Deficit	\$400 Thousand
Revenue (Year-End)	\$1 Million

Applications and renewals have decreased slightly versus last year's figures which will impact revenue as a result. Although there is a decrease, revenue should remain consistent for the Geology and Geophysicists Account.

XII. TECHNICAL ADVISORY COMMITTEES (TACs)

- A. Board Assignments to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs

APPOINTMENT TO THE LAND SURVEYING TECHNICAL ADVISORY COMMITTEE

MOTION: To recommend approval by the Board the individuals named below for appointment and re-appointment to the Professional Land Surveyor Technical Advisory Committee (PLS TAC) for the terms specified commencing July 1, 2012:

- Mr. Michael B. Emmons, P.L.S. (2 year Re-appointment)
- Mr. Michael S. Butcher, P.L.S. (1 year Re-appointment)
- Mr. Paul J. Enneking, P.L.S. (1 year Re-appointment)
- Mr. William Hofferber Jr., P.L.S. (2 year appointment)
- Mr. Frank Demling, P.L.S. (2 year appointment)

BACKGROUND:

The PLS TAC member appointments for the above individuals have been nominated by Pat Tami. The candidates have applied for, and their applications accepted, for recommendation for appointment as LSTAC members. The appointment of these candidates will help ensure the continuance, and enhancement, of the professional land surveying expertise and advice provided by the LSTAC.

RECOMMENDATION:

Recommend that the Board consider, and approve, the aforementioned individuals to serve as members of the PLS TAC for the terms requested.

XIII.

LIAISON REPORTS

- A. ASBOG
- B. ABET
- C. NCEES
- D. Technical and Professional Societies

XIV. PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES

XV. **OTHER ITEMS NOT REQUIRING BOARD ACTION**

DRAFT

**MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS**

**2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222**

March 8-9, 2012

Board Members Present: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent:

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Patty Smith (Analyst, Geology Program); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Joyce Hirano (Staff Civil Engineer); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Jerry Silva at 9:00 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Jonathan Tarkowski representing the Center for Public Interest Law, UC San Diego, School of Law. Mr. Tarkowski is aware the Board has been dealing with concerns over Title Acts and currently the subject of Senate Bill 1061 authored by Senator Walters. As noted in the bill analysis, there are over 7,000 licensees under nine different Title Acts and three different Practice Acts. They are unaware of overlapping licensees and recommends that the data be compiled if it is not currently collected.

11. Approval of Delinquent Reinstatements

Mr. Tami and Mr. Wilburn motioned to approve all reinstatements. Mr. Modugno stated he is not aware of a clear policy on what the requirements are to reinstate and would like to hear from licensees as to why they failed to renew.

Mr. Moore indicated that both Mike Donelson and Susan Christ review these individual's files prior to recommending them to be reinstated.

Mr. Donelson indicated that on average he processes about 3-5 reinstatements per board meeting. The average delinquent reinstatement is about 5-10 years and some as old as 20, and added that there is a wide range of rationales as to

why they may not renew. He added that Mr. Wood, one of the reinstatement candidates, will be in attendance the following day to present his request and explain why his license lapsed. As for the policy questions, Mr. Donelson stated that the law discusses the reinstatement but does not provide specific guidelines about the criteria for review and reinstatement or the minimum requirements to retake the examination.

Mr. Duke concurred with Mr. Donelson in that the Board only has the statute that provides the definition and suggested that this discussion be scheduled for the next Board meeting and staff can come up with more detail on why licensees allow their licenses to lapse.

With Mr. Wood addressing the Board on March 9, the motion to approve all reinstatements was withdrawn and a new motion was made.

Motion: Mr. Modugno and Mr. Tami moved to approve all reinstatements except for Mr. Wood's as he will be in the next day.

Vote: 10-1, Motion Carried

18. Approval of Consent Items

A. Approval of the Minutes of the November 18, 2011, Board Meeting

Motion: Mr. Modugno and Mr. Satorre moved to approve minutes

Vote: 10-1, Motion Carried

12. Information Technology Updates

A. BreEZe Implementation Status

Mr. Donelson attended a BreEZe meeting featuring some highlights with the new system. He indicated that the Board will be able to link a company or organization to a licensee, which is not possible with our current system. Another feature is that it is capable to link one individual with multiple licenses. Mr. Donelson reminded the Board that the timeframe for implementation will take place approximately in the years 2013-14. The BreEZe team should be getting feedback from the test boards within the next six to nine months. Mr. Duke added that the primary objective of the BreEZe system is to bring our information technology systems into the twenty first century. Mr. Moore also added that BreEZe will integrate at least three separate systems that currently do not link together.

B. Credit Card Renewal Update

The Board unveiled its credit card renewal system March 1st. The Board has processed at least 30 transactions already. Mr. Donelson provided a handout presentation with screen shots on the online renewal system functions. Currently, on-line renewals are only available for civil, mechanical, electrical, and land surveyor licensees. These licenses were selected because of the high volume of licensees currently in those disciplines. Other license types will be added at a later date. If you are a structural licensee, you will have to renew your license through the

traditional method but the civil license you can renew using the on-line credit card renewal process. A \$1.00 convenience fee is applied for all on-line transactions. Mr. Duke stated that the legal office will be reexamining the convenience fee.

Mr. Donelson stated that currently, licensees still need to update their address changes separately from their renewals but eventually, the licensee will be able to process both requests through BreZE.

Mr. Moore added that each user will become a registered and create a profile. This profile will automatically populate as other services are added.

Mr. Tami expressed his gratitude to everyone who was involved in launching the online renewal system.

3. Hearing on the Petition for Reinstatement of Revoked License of George Dickey – This hearing was held on Thursday, March 8, 2012,

4. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126(e)(1), and 11126(e)(2)(B)(i)]

A. Rodolfo Dimalanta v. Board for Professional Engineers and Land Surveyors, Court of Appeal, First Appellate District, Case. No. A131485 [Superior Court of Alameda County Case No. RG10513640]

B. Michael James O'Malley v. Board for Professional Engineers and Land Surveyors, Superior Court of Riverside County Case No. RIC 1116681

5. Open Session to Announce the Results of Closed Session

Ms. Eissler indicated that in Closed Session the Board discussed pending litigation as noticed on the agenda, took action on eleven stipulations, two default decisions, and one proposed decision and also directed the Judge as to what decision to prepare on the petition for reinstatement that was heard earlier.

Mr. Duke also added that the Board discussed personnel issues.

6. Executive Officer's Report

B. Administration Committee

Mr. Moore proposed to organize an administration committee. Mr. Tami concurred by indicating that this would be a Technical Advisory Committee to work on administrative issues to assist the Executive Officer. Mr. Moore indicated that he could use some assistance with public relations and outreach. The Board is transitioning how business is conducted and operates over the next few years. He believes it would be beneficial to have people with historical knowledge and that understand some of the aspects the Board deals with. These meetings would occur two to three times a year via teleconference.

Mr. Moore recommended Jim Foley and Gregg Brandow to assist with this

committee.

Motion: Mr. Tami and Mr. Quartararo moved to form a committee and to recommend members and tasks.

Vote: 10-1, Motion Carried

A. Legislation

1. Discussion of Legislation for 2011-2012

a. Pending Legislation

AB 1588 Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

RECOMMENDED POSITION: Support

Motion: Mr. Tami and Mr. Quartararo moved to support

Vote: 10-1, Motion Carried

SB 692 Walters. Professional Engineers. This bill would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. Failed passage in Committee – reconsideration granted. Was not scheduled - bill failed passage.

BOARD POSITION: Watch

SB 975 Wright. Professions and vocations: regulatory authority. This bill would provide that all boards, bureaus and commissions of Consumer Affairs have sole authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board, bureau, or commission.

Bob DeWitt representing ACEC indicated that this bill is a follow up on a bill that was vetoed last year, AB 1210. That bill addressed the problem of the Water Resources Board requiring additional certification from civil engineers who are entitled to practice civil engineering in preparation of pollution control plants. That bill, if passed, would have exempted engineers to practice in an area they are already licensed to practice. The bill passed through the legislature and went to the Governor and was vetoed. In the veto, the Governor thought the focus was too narrow and wanted a more comprehensive review of this concept. This bill, if passed, would make the Board the sole authority for defining what licensees do and not allow other agencies to impose other certifications or conditions

on what is already regulated. The Architect's Board supports this bill and believes it warrants a support position.

Ms. Arnold stated that her reason to recommend a watch position is that it will affect every board and bureau of the Department and is not clear on the ramifications. It would affect the education code, building code, and the field act. Mr. DeWitt's intent is not to overturn the Field Act or Education Code and indicated that this legislation has just been introduced and there is plenty of time to research and address concerns.

RECOMMENDED POSITION: Watch

Motion: Mr. Josephson and Mr. Wilburn recommend a watch position.

Vote: 9-1-0, Motion Carried, Mr. Tami opposed

SB 1061

Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.

RECOMMENDED POSITION: Oppose

Motion: Mr. Josephson and Mr. Zinn moved to oppose

Vote: 9-1-0, Motion Carried, Mr. Tami opposed

b. Temporary Authorization Repeal (Business and Professions Code Section 6760)

Ms. Christ indicated that between 1995-2011 the board authorized forty civil licensees to have temporary authorizations. Of those forty, twenty-one have secured their civil engineering license in California. A survey was completed with all 50 states 62% do not allow temporary authorization and 38% do. She recommends that the Board delete the statutory language that allows for temporary authorization. Pat Tami suggests the removal of language

Motion: Mr. Tami and Mr. Satorre moved to pursue legislation to repeal language.

Vote: 10-0, motion carried

c. Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website

Ms. Arnold previously voted to try to amend to not provide address of record on internet. It is likely DCA will oppose and will be difficult to find author.

Mr. Duke concurred with Ms. Arnold and stated that the Board would meet significant opposition from the

department. He also added that there would be a lack of transparency in government and part of that transparency is letting the consumers know who our licensees are. The concerns that were raised were based upon privacy due to safety reasons. Under existing law the licensee has the choice to choose their address of record and that it does not have to be address of residence. It may be a post office box or business address.

C. Strategic Plan 2011-2012 Goals Status Report

Mr. Moore presented the BPELSG Action Plan for fiscal year 2011-12. It denoted whether a goal had been completed, in progress, or is still remaining. Many goals have been completed.

D. Personnel

Mr. Moore introduced new staff, Erin LaPerle, an analyst with the Geology Program, Ray Mathe, managing the Examination Unit, Brooke Phayer, outreach coordinator and legislation assistant, and Amy Pacheco and Kate Tibbitts, licensing evaluators.

7. Enforcement

Ms. Eissler indicated that the Board's citation program is back on track. In this fiscal year, from July 2011 through February 2012, 121 citations have been issued. The informal conferences continue to progress and when formal appeal hearings are requested, those are moved forward to the Attorney General's office for a formal appeal. 85 have already have become final this year, indicating they have gone through the appeal process.

In addition, when a citation becomes final and is issued to a licensee, if the licensee fails to comply with the citation, the Board has the authority to attach it to their renewal fee preventing the licensee to renew until the fine is paid. The Board can also refer the matter for formal disciplinary action against their license for failing to comply with the citation order. When it comes to an unlicensed person, the Board does not have much authority to enforce compliance with the citations. There is a program through the Franchise Tax Board where any state tax refunds and lottery winnings can be attached. The Board has sent twenty of the Board's unlicensed citations for processing.

8. Examinations /Licensing

C. Future Changes to the Registration Process for Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) Examinees

Mr. Moore made a visual presentation to the Board. He provided background and the process of the Fundamentals of Engineering and the Fundamentals of Surveying examinations. Currently, the applicants register with NCEES online and as a result of that registration, they submit

their application to the Board, the Board processes their payment and reviews the application. He pointed out that the application is one page, in which the applicant self certifies.

He also provided more detailed analysis of the current process for applicants. The Board averages about 8,800 Fundamentals of Engineering and Fundamentals of Surveying examinees annually. He indicated that despite the number of registrants with NCEES, there are many that never submit their application to the Board. This number represents those who go through the registration process and submit an application to the board. Currently, the fee is \$100.00 totaling \$880,000. Staff cost to review the application is \$50 per applicant as a result, operating cost are \$440,000. He specified that 8,800 apply but only about 6,700 appear to sit for the exam. NCEES fees are \$125.00 per Fundamentals of Engineering (FE) examination and \$170.00 per Fundamentals of Surveying (FS) examination for applicants to sit. The Board is negatively impacted by approximately \$580,000.00. Typically, about 3,300 EIT's and LSIT's candidates are certified per year.

With the pending fee structure, the Board will only collect a \$50.00 application fee and anticipates having 8,800 FE/FS applicants. Thus, the Board will receive half the revenue, \$440,000. This new fee structure has been approved by the board and is going through the regulation process. The applicant will pay NCEES directly for books, administration, and scoring. The Board will no longer pay NCEES. This will allow the Board to do away with the \$580,000 loss annually.

Currently the Board pays \$70.00 for the FE administration, \$10 for the book, \$45 for grading for a total of \$125.00. For the FS the Board pays more for grading. Voted on the NCEES meeting last August that Starting January 2014, when NCEES moves to computer based testing (CBT) for FE/FS examinations, there will be a flat fee of \$250 for each exam.

The impact on board staff is that the Board will see many more opportunities to receive applications during the year instead of twice a year. The board is expecting to see the number of applications to decrease because of the cost factor but also expect some increase because the opportunity to sit will occur more often.

NCEES is proposing that for every time the board reviews an application that the applicant is allowed to sit 3 times. For example, if a candidate fails the examination the requirement will be that the candidate can only sit one time during an open window, they can sit up to 3 times during that year from the time they were approved by the Board to sit. If the candidate fails all 3 times then they must apply back to the Board. With the new fee structure the Board will not receive the \$50.00 fee for the second and third time. There is a revenue impact. Currently, the Board receives the fee each time the candidate fails. The assumption and impact to the Board as a result of this change is that the Board's workload will increase, the Board cannot support the increase because of the multiple attempts individuals can take the examination in one year. The more opportunities

candidates can take the exam, the more examinees the Board foresees taking the exam.

Mr. Moore shared one idea discussed amongst the member board's task force for NCEES was to allow candidates to register with NCEES pay the fee and allow the candidate to sit for as many times as it takes for the candidate to pass and once the candidate passes, at that point, they would apply with our board, processing only the candidates that met all criteria. Our Board would continue to have licensing authority. Our staff would spend our resources on applicants that are passing the examinations.

Mr. Alameida indicated based on the fee that the Board is proposing, it will cover operating expenses. If the numbers of applications increase then the revenue will increase as well. The revenue will still support operating expenses. The Board is now removing themselves from examination administration that has been a detriment to the Board for a number of years.

Motion: Mr. Josephson and Mr. Wilburn moved to change order of approval of candidates for the FE and FS examination until after they have passed.

Vote: 9-0-1 motion carried. Jerry Silva was not available to vote at the time.

A. September/October 2011 Examination Results Report

Ms. Smith, lead analyst with the Geology program reported that the National Geology examinations had been administered on Friday, March 2, 2012. She indicated that 88 candidates took the Fundamentals of Geology (FG) and 57 took the Practice of Geology (PG). On March 14, 2012, approximately, 100 candidates throughout the state took the first Computer Based Test (CBT)

The Fundamentals of Geology (FG) examination administered last fall had 107 candidates with a 57% pass rate. The Practice of Geology (PG) had 90 candidates with a 79% pass rate. The California Specific Examination (CSE), had 123 candidates with a 37% pass rate.

For the specialty examinations, the Certified Engineering Geologists, had 31 candidates with a 65% pass rate, for the Certified Hydrogeologist examination, there were 14 candidates with an 86% pass rate, and 6 Geophysicist candidates with a 50% pass rate.

9. Outreach

A. Newsletter

Mr. Moore shared that the Board's newsletter is coming along and needs editing. All the articles are ready with the exception of one article that is pending. The Board is targeting that it be printed three times per year. Proposed publication would be in the spring, fall, and one in July to allow

the past president to have a sign-off article and the new president to have an introduction article. This will be an electronic copy that will be sent to all those currently on the Board's subscriber e-mail list. President Silva suggested a flyer or postcard once a year to encourage email sign up.

The Board Recessed at 4:41

Friday, March 9, 2012

Board Members Present: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Hong Beom Rhee; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent: Philip Quartararo, Ray Satorre

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Joyce Hirano (Staff Civil Engineer); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Jerry Silva at 9:00 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Kevin Hanley, civil and traffic engineer representing California State University, Chico Civil Engineering Department Advisory Board. He shared with the board that in the process of doing a feasibility study for the development of a master's degree program, they became aware of the existence of the National Council of Examiners for Engineers and Surveyors (NCEES) 2020 Model Law. He indicated that it significantly changes the educational and experience requirements for licensure. The model law requires an additional year to the undergraduate bachelor's degree curriculum or implement a requirement for a master's degree. NCEES recommends the model law be adopted in 2020. This would require additional coursework and additional faculty to comply with the necessary education. They feel a sense of urgency to determine what the future educational requirements will be for the PE so that the Universities have sufficient time to prepare a program to meet these requirements. They encourage the Board to discuss the Model Law and what components the Board might adopt.

Mr. Modugno indicated the Board is well aware of the situation and also of obstacles for the Board to get involved as the Board is unable to attend the national meetings where these rules are being established as they are out of state. He suggests forming a committee to begin dialog at the university level to increase funding.

Mr. Hanley concluded that he believes it is mission critical for the Board to attend the national meetings.

6.c. Executive Officer's Report (continued from March 8)

Ms. Eissler distributed the portion of the July board agenda and minutes pertaining to Business and Professions Code Section 27

Regarding Address of Record Available via the Website. She indicated that section 27 was amended effective January 1, 2012. Mr. Moore stated that at the July meeting the Board made a motion to direct staff to pursue legislation to amend. Ms. Arnold indicated that she was not available to argue against. She would have opposed as she believes that the public should have access to the address of record. Mr. Tami sees no reason to change it. He indicated that he does not want to be responsible in the event that someone is harmed because the address of record is available to the public. Ms. Arnold added that it is consumer friendly to provide this information. It was suggested using post office box or their place a business in lieu of a home address. Mr. Josephson believes it's not advantageous to pursue this legislation if DCA will not support it.

Mr. Josephson indicated that people who are going to look up an address on the website are going to be looking for an individual rather than a business. Companies can be searched using a search engine. Mr. Duke commented that the general trend in government has been towards more transparency and to provide more information to consumers. However, there are situations in which this has been problematic.

Under the information practices act, the Board does not have to release any address information. Under the information practices act, all personal information is deemed personal and private however there is an exception in this act that provides discretion for the Board to provide the address of record to anyone who requests it. The Board needs to have their address for purpose of service but they are allowed to have another address and added that addresses are also available through the Department's Public Sales office in which mailing lists are sold.

Motion: Mr. Josephson and Mr. Wilburn moved to not pursue legislation to remove the address from the website

Vote: 2-6 motion failed.

8. Examinations /Licensing (continued from March 8)

A. September/October 2011 Examination Results Report

Ms. Hirano provided high points of the October examination administration in which the Board provided a computer based geotechnical exam. There were 97 candidates and 94 registered with Prometric to take the examination and 90 who took the examination and of those 38 passed. There were 4 no-shows.

In addition, it was the last administration of the structural engineering seismic exam, the California component. There were 132 tested, 36 passed, 31 candidates who were eligible to appeal and of those 16

appealed.

This was also the third administration of the NCEES 16-hour Structural Examination. There were 197 candidates with 58 passing and 56 required to take the California Structural Laws and Rules exam.

B. Spring 2012 Examination Update

Mr. Moore indicated approvals were completed as of Monday, March 5 for all April 2012 examinations. He also pointed out that 12,000-13,000 approvals were processed and thanked staff for their hard work.

7. Enforcement (continued from March 8)

A. Request by the California Architects Board to Co-Author a Letter Informing Planning Departments of Unlicensed Practice Issues Regarding Non-Exempt Projects.

Ms. Eissler spoke with regard to a request relating to the California Architect's Board. The Architect's Board is asking the Board to co-author a letter to planning departments that relates to unlicensed practice issues on non-exempt projects.

Bob Carter, representing the Architect's Board presented the Board with a draft copy of the letter. He indicated that there was a minor edit on page 2, line 3.

He explained that one of his duties with the Architect's Board is act as a liaison with the California Building Officials as they enforce the Practice Act. He would like to ensure the documents that come in have been prepared by responsible control of a qualified design professional, including architects and engineers. Mr. Carter expressed how prudent it is for the building official of a planning department to enforce this criteria very early on and not accept documents if the criteria is not met. Mr. Carter is seeking that the Board co-author this letter.

VOTE: Mr. Zinn and Mr. Trujillo moved to co-sign letter

MOTION: Motion Carried

11. Approval of Delinquent Reinstatements (continued from March 8)

Mr. Modugno expressed concern as to why Mr. Wood had gone so long without realizing his license had become delinquent. Mr. Wood indicated he was embarrassed and claimed he never received a renewal notice and that it had possibly become lost in the mail. It was not until he was called upon to serve as a reference that he realized it had lapsed and removed the title Professional Engineer from all correspondence. He added he will comply to pay any back fines to be reinstated.

Mr. Wood will make a conscious effort to remember his expiration date in the future.

VOTE: Mr. Modugno and Mr. Tami moved to reinstate Mr. Wood's license.

MOTION: Motion Carried

10. Consideration of Rulemaking Proposals, as follows:

Ms. Eissler indicated that as of January 1, 2012 the Board is now on the list of boards required to collect fingerprints from applicants in order to check their criminal history. She stated that the board needs to adopt regulations in order to implement the program to specify how and when the applicants must submit their fingerprint information and the consequences of not submitting it and to specify how it will be used. She is asking the board to move forward and to direct staff with the formal rulemaking process.

The purpose of collecting the fingerprints through the Department of Justice is so that the Board is notified of criminal action against the applicant. The Board would review and investigate to determine if it would warrant denying a license or certificate to the candidate. Mr. Duke added that if a crime is committed, it does not automatically disqualify the candidate. The crime would have to be substantially related to the occupation. Images would be collected at any Live Scan facility located throughout California. This procedure would apply to any applicant for the purpose of being notified of criminal actions against them.

Mr. Duke would like the Board to be aware of items C, D, and F may not be part of the final language as the board cannot compel or demand what the Department of Justice does.

VOTE: Mr. Tami and Mr. Trujillo motioned to move forward with rulemaking.

MOTION: Motion Carried

B. Proposed Amendments to Divisions 5 and 29 of Title 16 of the California Code of Regulations, as follows:

i. Sections 411 and 3008 – Seal and Signature

Ms. Eissler indicated proposing a minor modification to 411 to remove opaque regarding the permanent impression to be left as it is vague and unnecessary.

Amend 3008 to match 411 to provide more specific information about what must be contained in the seal for geologists and geophysicists and to add clarifying language as to when and how it would be used.

ii. Sections 412 and 3009 – Address Change

Clarifying language indicating that requests need to be made in writing. For engineers and surveyors, the time frame in which the Board must receive their change of address is 30 days and for geologists and geophysicists it is 60 days and believes that it should be modified to 30 days as well to match engineers and surveyors.

iii. Sections 442 and 3035 – Examination Subversion

442 has an extensive list of actions that may constitute examination subversion and what actions may be taken in response. Ms. Eissler indicated that language was included that stated, if a person was

taking a multiple part examination, over the same weekend, there is a provision if found to have committed examination subversion during one examination, all examinations were required to be voided, should be changed to permissive and the Board would have the discretion or not to void all examinations.

In addition change 3035 to match 442 so it specifically outlines the actions of a candidate that constitutes examination subversion.

iv. Section 3060 – Substantial Relationship Criteria

This regulatory section is similar to the engineers and surveyors criteria. The Board must have a regulation that defines what the substantial relationship is in considering a criminal conviction and whether to deny issuing a license or to take disciplinary action against a license. Ms. Eissler believes the Board needs to update terminology for the geologists and geophysicists relating to aiding and abetting violations and convictions of crime so that it will match what is in the regulations for engineers and surveyors.

v. Section 3061 – Criteria for Rehabilitation

This criteria for geologists and geophysicists should be amended to match certain terminology in section 418 that was updated for the engineers and surveyors but also to specify if a person is petitioning for reinstatement for a revoked license, what type of rehabilitation the Board would have to consider.

vii. Sections 419 and 3064 – Disciplinary Orders

419 and 3064 are the disciplinary orders sections that outline what the Board can order as disciplinary action against a licensee. It is recommended that the geologist and geophysicists regulation be modified to match engineers and surveyors and update language in 419, that in reviewing, it was discovered that it also needed to be updated.

vi. Sections 472-473.4 and 3062-3063.4

These sections pertain to the Board's Citation Program and outline the whole program such as procedures for issuing citations, serving citations, appealing citations and what would happen if a person failed to comply with citations. Amendments are made to make them all consistent so there is one citation program, one process, regardless of profession, licensed or unlicensed.

viii. Sections 475, 476, and 3065 – Code of Professional Conduct

Ms. Eissler provided replacement pages in which she indicated that more was edited out than necessary.

VOTE: Mr. Tami and Mr. Josephson move to approve proposed amendments with the addition of 419

MOTION: Motion carried

13. Administration

A. 2011/12 Fund Condition

Mr. Alameida distributed an updated fund condition overview which provided a summary of the Engineers and Land Surveyors fund as of January 31, 2012 and the Geologist and Geophysicists fund as of January 1, 2012.

He indicated that applications received have decreased slightly versus last year's figures.

- B. FY 2011/12 Budgets
No report given

14. Technical Advisory Committees (TACs)

- A. Board Assignments to TACs
No report given
- B. Appointment of TAC Members
No report given
- C. Reports from the TACs – Mr. Zinn reported that a letter was read at the November Board meeting on behalf of Ms. Waldbaum in which she believed our enforcement experts were not using proper standards when reviewing complaints. Ms. Waldbaum attended the Geology TAC meeting as well as the executive officer of the Mining and Geology Board. He explained their role as the board that issues policies and standards for geology investigations and other items that surround geology. Mr. Zinn indicated that it was a productive meeting and there was indication from the Mining and Geology Board executive officer that they would be updating some notes and would assist the experts in the future. Mr. Moore added that the land surveyor TAC meeting is scheduled for March 16, 2012.

15. Liaison Reports

- A. ASBOG
No report given
- B. ABET
Mr. Donelson indicated that we will be doing more ABET visits in the fall
- C. NCEES - Mr. Moore indicated that the Board currently has an Out of State Travel request to attend the Western Zone meeting in Jackson Hole, WY
- D. Technical and Professional Societies
Ms. Eissler and Mr. Moore attended the California Building Officials (CALBO) Conference meeting in Southern California where they made presentations with the Contractor's and Architects Boards and assisted with the booth in the exhibit hall. In addition, during this time, they attended the San Bernardino CLSA meeting and discussed changes in the examinations.

16. President's Report/Board Member Activities

Mr. Silva would like to find a solution to reduce handouts.
He added that he appreciates outreach efforts and would like to extend

invitations to DCA representatives to attend meetings.

Mr. Moore indicated that all recommendations for appointments for the Board are on the Governor's desk.

17. Other Items Not Requiring Board Action

Mr. Tami suggested having a correspondence section where any letters that are sent out by staff or received by societies that was of importance be included in the agenda.

Mr. Moore indicated that several letters of support of the board's request for out-of-state travel have come from various professional societies and Senator Canella's office addressed to the Governor to help justify the Board's out-of-state travel requests. Mr. Alameida added that the Board received word from the budget office that the request is going up for denial. There is still an opportunity to resubmit the request. However, if approved to move forward, the approval would be for one individual to attend at no cost to the state as there is one funded delegate.

Mr. Silva requested a meeting with DCA to further discuss.

19. Adjourn

The meeting adjourned at 11:47 a.m.

PUBLIC PRESENT

Jonathan Tarkowski, Center for Public Interest Law, University of San Diego,
School of Law

Bob DeWitt, ACEC

Steven Sagan

Craig Copelan, PECG

Art Taggart

George R. Dickey

Roger K. Hanlin, CLSA

Annette Lockhart

Kevin Hanley, CSU, Chico, Civil Engineer Dept.

Daniel Wood

XVII.

ADJOURN
